NEW MEXICO
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Cabinet Secretary

J.C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

December 5, 2017

Ms. Michele Bonaguidi, President
Michele's Ready Mix, Rock & Recycle, Inc.
1661 Hasler Valley Road
Gallup, New Mexico 87301

RE: Michele's Ready Mix, Rock & Recycle, Inc., owner/operator of McGaffey Gravel Pit; Industrial Permit; SIC 1442-1429; NPDES Compliance Evaluation Inspection; NPDES NMU001948; November 9, 2017

Dear Ms. Bonaguidi:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas, for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Problems noted during this inspection are listed in the report. You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address above) in writing within 30 days from the date of this letter. Further, notify in writing both USEPA (David Long, USEPA (6EN-WM), 1445 Ross Ave., Suite 1200, Dallas, Texas, 75202), and NMED regarding modifications and compliance schedules. If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at daniel.valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN- WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
John Roderick, NMED District I, by e-mail

EPA

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
N	5	NMU0019481	171109	~	S	2

Remarks: CRUSHED & BROKEN STONE

Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved
	1	N	N	

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number*	Entry Time /Date	Permit Effective Date
McGaffey Gravel Mine, Section 32 Township 13 North Range 15 West, McGaffey, New Mexico 87316 **McKinley County**	**1135 Hours/11-9-2017**	**6-4-2015**
	Exit Time/Date **1405 Hours/11-9-2017**	Permit Expiration Date **6-4-2020**

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
Mr. John Abeyta/Quality Control Manager/ 505-241-9450	**N. 35.3169** **W. -108.4509**
Name, Address of Responsible Official/Title/Phone and Fax Number **Ms. Michele Bonaguidi. 1661 Hasler Valley Road, Gallup, New Mexico/President/505-863-3818**	Contacted Yes [ ] No [X] **SIC 1429** **Sector J**

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. **Inspectors arrived on site at 1135 on 11/9/2017, conducted entrance interview with Mr. John Abeyta, during which the Inspectors made introductions, showed credentials and explained the purpose of the inspection.**

2. **This report is based on a review of the files maintained by the permittee and NMED, on-site observations by NMED personnel, and verbal information provided by the facility's representative.**

3. **An exit interview to discuss the preliminary finding of the inspection was conducted at approximately 1405 on 11/9/2017 with Mr. Mike Addy at the site.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
DANIEL VALENTA *__/s/Daniel Valenta__*	**NMED/SWQB 505-827-2575**	12/5/2017
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
JENNIFER FOOTE *__/s/Jennifer Foote__*	**505-827-0596**	12/5/2017

Michele's Ready Mix, Rock & Recycle
NMU001948
November 9, 2017

Further Explanation

Introduction

On November 9, 2017, a Compliance Evaluation Inspection (CEI) was conducted at the McGaffey Gravel Pit located in Section 32, Township 13, North \Range 15 West, McGaffey, New Mexico, 87316 in McKinley County by Mr. Daniel Valenta and Ms. Sandra Gabaldon of the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document the operator's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and the industrial stormwater Multi-Sector General Permit (MSGP). Michele's Ready Mix, Rock and Recycle, Inc. owns and operates the McGaffey Gravel Pit a Mineral Mining and Dressing facility (see Standard Industrial Classification (SIC) code 1442-1429) that meets the description in Category 40 CFR 122.26(b)(14), and Sector J of the MSGP.

Upon arrival at 1135 hours on November 9, 2017 the inspectors made introductions, stated the purpose of the inspection and presented credentials to the Quality Control Manager, Mr. John Abeyta. The inspector briefly toured the McGaffey gravel pit. Following the quarry review the Inspectors traveled to the company office in Gallup to review records. An on-site exit interview to discuss preliminary findings was conducted with Mr. Abeyta. The inspector left the facility at approximately 1405 hours. This report is based on review of EPA's on-line notice of intent (eNOI & ICIS) database, files maintained by NMED, and on-site observation by NMED personnel, and verbal information provided by the operator's on-site representative.

Storm water may discharge from the facility which is located in the McQue Flat. This area is fairly level and in the head water of the Rio Nutria. The Rio Nutria is considered critical habitat by the US Fish and Wildlife Service for the endangered Zuni Bluehead Sucker, see attachment 1 and https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=E063. More information concerning this fish species and the recovery plan can be found at: http://www.wildlife.state.nm.us/download/conservation/species/fish/management-recovery-plans/Zuni-Bluehead-Sucker-Recovery-Plan.pdf. Discharges from the facility may flow into the Rio Nutria in the Little Colorado basin, Segment 20.6.4.451 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC). Designated uses are coolwater aquatic life, livestock watering, wildlife habitat, and primary contact.

Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants…must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

The USEPA's MSGP was re-issued effective June 4, 2015 and shall expire on June 4, 2020. It replaced the 2008 MSGP which expired on September 29, 2013.

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Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent or NOI. The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site.

These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site.

Pollutants Associated with a Mining and Dressing facility.

There are typically three phases to a mining operation: the exploration and construction phase; the active phase; and the reclamation phase. The exploration and construction phase entails exploration and a certain amount of land disturbance to determine the financial viability of a site. Construction includes building of site access roads, and removal of overburden and waste rock to expose minable ore. These land-disturbing activities are significant potential sources of storm water contaminants. The active phase includes each step from extraction through production of a saleable product. The active phase may include periods of inactivity due to the seasonal nature of these mineral mining activities. The final phase of reclamation is intended to return the land to its pre-mining state. Because of the land-disturbing nature of the mineral mining and processing industry, contaminants of concern generate d by industrial activities in this industry include total suspended solids (TSS), total dissolved solids (TDS), turbidity, and ph.

Materials management practices are defined as those practices employed to diminish contact by significant materials with precipitation and storm water run on, or practices utilized to reduce the offsite discharge of contaminants. To this end, sediment ponds, discharge diversion techniques, as well as methods of dispersion, are used to minimize impacts of significant materials on storm water.

There are two options for reducing pollutants in storm water discharges: end-of-pipe treatment and implementing Best Management Practices to prevent and/or eliminate pollution. Discharges from mining operations are in some ways dissimilar to other types of industrial facilities. Mining facilities are often in remote locations and may operate only seasonally or intermittently, yet need year-round controls because significant materials remain exposed to precipitation when reclamation is not completed. These characteristics make resource intensive end-of-pipe management controls less desirable.

The most effective storm water management controls for limiting the offsite discharge of storm water pollutants from mineral mining and processing facilities are source reduction BMPs. Source reduction BMPs are methods by which discharges of contaminants are controlled with little or no required maintenance. Examples of these types of controls include source reduction diversion dikes, vegetative covers, and berms. Source reduction practices are typically (but not always) low in cost and relatively easy to implement. In some instances, more resource intensive treatment BMPs, including sedimentation ponds, may be necessary depending upon the type of discharge, types and concentrations of contaminants, and volume of flow. The selection of the most effective BMPs will be based on site-specific considerations such as: facility size, climate, geographic location, hydrogeology and the environmental setting of each facility, and volume and type of discharge generated.

Michele's Ready Mix, Rock & Recycle
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Each facility will be unique in that the source, type, and volume of contaminated storm water discharges will differ. In addition, the fate and transport of pollutants in these discharges will vary. EPA believes that the management practices discussed herein are well suited mechanisms to prevent or control the contamination of storm water discharges associated with mining activity.

SUMMARY OF MINE AREAS AND APPLICABLE BEST MANAGEMENT PRACTICES

Land-disturbed area	Discharge diversions	Conveyance systems	Runoff dispersion	Sediment control & collection	Vegetation	Containment
Haul Roads and Access Roads. Pits/Quarries or Underground Mines. Overburden, Waste Rock and Raw Material Piles. Reclamation	Dikes, Curbs, Berms. Dikes, Curbs, Berms. Dikes, Curbs, Berms. Dikes, Curbs, Berms.	Channels, Gut- ters, Culverts, Rolling Dips, Road Sloping, Roadway Water Deflectors. Channels, Gutters Channels, Gutters Channels, Gutters	Check Dams, Rock Outlet Protection, Level Spreaders, Stream Alteration, Drop Structures. Serrated Slopes, Benched Slopes, Contouring, Stream Alteration. Serrated Slopes, Benched Slopes, Contouring, Stream Alteration. Check Dams, Rock Outlet Protection, Level Spreaders, Serrated Slopes, Benched Slopes, Contouring, Drain Fields, Stream Alteration, Drop Structures.	Gabions, Riprap, Native Rock Retaining Walls, Straw Bale Barriers, Sediment Traps/Catch Basins, Vegetated Buffer Strips. Sediment Settling Ponds, Straw Bale Barrier, Siltation Berms. Plastic Matting, Plastic Netting, Erosion Control Blankets, Mulch-straw, Compaction, Sediment/Settling Ponds, Silt Fences, Siltation Berms. Gabions, Riprap, and Native Rock Retaining Walls, Biotech- nical Stabiliza- tion, Straw Bale Barriers, Sediment Traps/ Catch Basins, Vegetative Buffer Strips, Silt Fences, Siltation Berms, Brush Sediment Barriers.	Seeding, Willow Cutting Establishment. Seeding ..... Topsoiling, Seedbed Prepara- tion, Seeding. Topsoiling, Seedbed Preparation, Seeding, Willow Cutting Establishment.	Plugging and Grouting Capping Capping, Plugging and Grouting

Michele's Ready Mix, Rock & Recycle
NMU001948
November 9, 2017

Findings:

1. Michele's Ready Mix, Rock & Recycle, Inc does not have a Multi-Sector General Permit to operate a Mining and Dressing facility. A SWPPP has been prepared but no NOI submitted.

2. Michele's Ready Mix, Rock & Recycle, Inc. has permit coverage for other sites, NMR053414 and NMR053415.

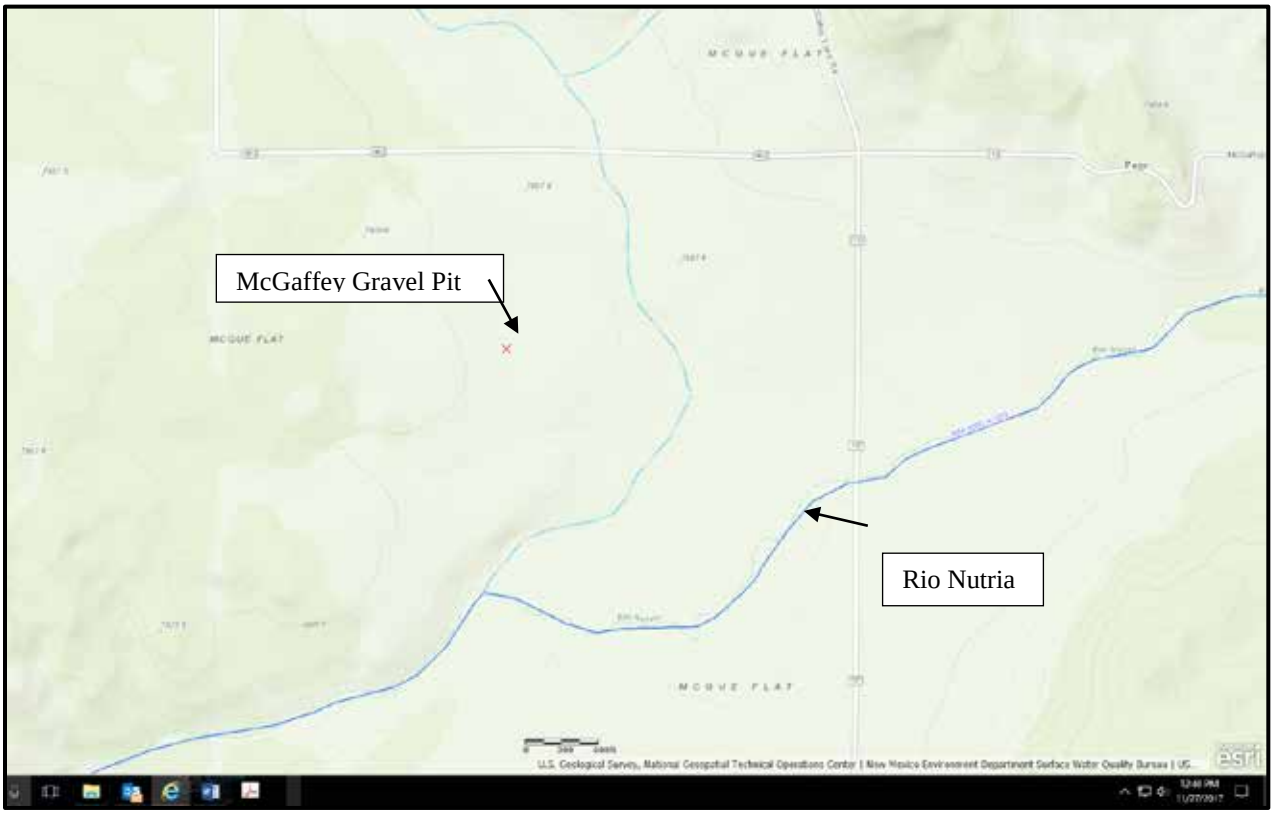
3. The SWPPP was dated October 2016, site was said to be active at least a year.

4. A small berm is in place along the east side of the site. In several places, the berm appears to have been breached and discharge occurred into the surrounding grass area. There are no berms or BMP's in place on the south side of the mine, see attached photos.

5. Coverage under the MSGP is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities were the subject of an Endangered Species Act (ESA) consultation or an ESA section 10 permit, or if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect any species that are federally listed as endangered or threatened ("listed") and are not likely to adversely affect habitat that is designated as "critical habitat" under the ESA. The facility must meet one of the criteria found in section 1.1.4.5 in the MSGP.

Map Overview

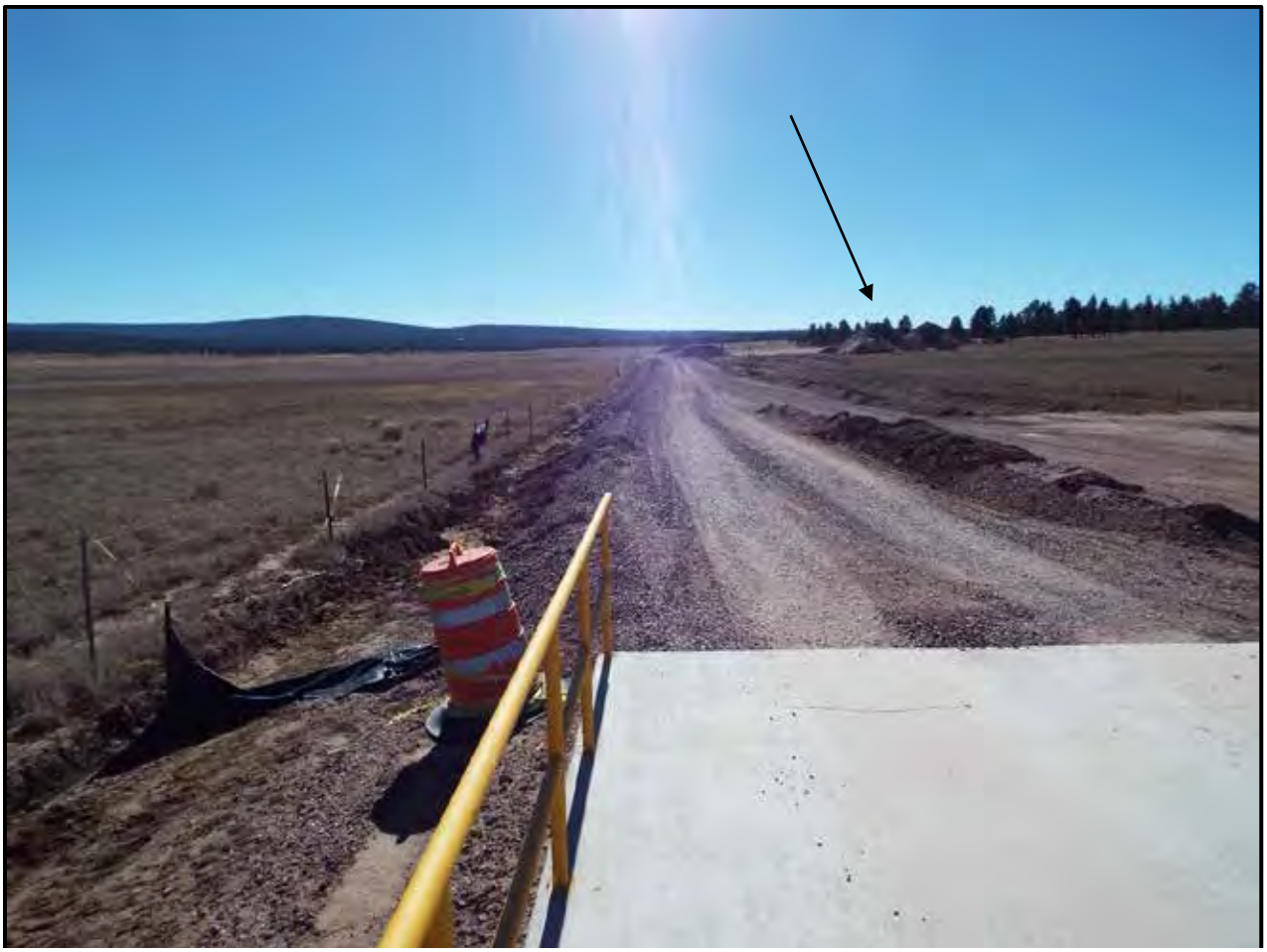
	McGaffey Gravel Pit	
City/County: Close to the town of McGaffey/Mckinley County		
Location: McQue Flat/ Section 32 Township 13 North Range 15 West		



Official Photograph Log

Photo # 1

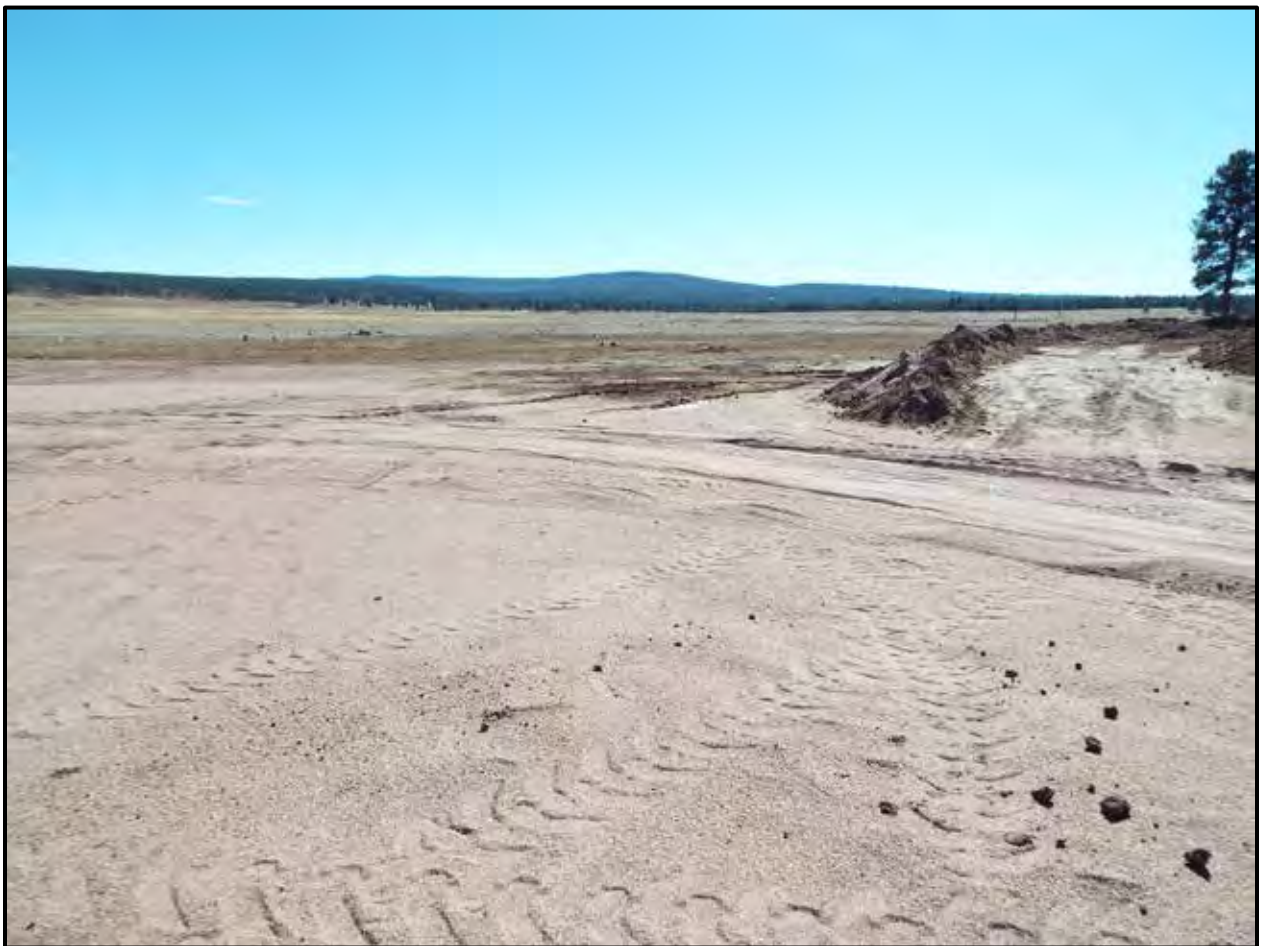
Photographer: Daniel Valenta	Date: 11/9/2017	Time: 1157 hours
City/County: McGaffey/Mckinley		
Location: McQue Flat/ Section 32 Township 13 North Range 15 West		
Subject: McGaffey gravel pit is located near the gravel piles. The site is located in McQue Flats. A fairly level area used for grazing livestock. Note silt fence next to the road.		



Official Photograph Log

Photo # 2

Photographer: Daniel Valenta	Date: 11/9/2017	Time: 1209 hours
City/County: McGaffey/Mckinley		
Location: McQue Flat/ Section 32 Township 13 North Range 15 West		
Subject: South side of the property closest to the Rio Nutria. This side has no berms or BMPs in place.		



Official Photograph Log

Photo # 3

Photographer: Daniel Valenta	Date: 11/9/2017	Time: 1211 hours
City/County: McGaffey/Mckinley		
Location: McQue Flat/ Section 32 Township 13 North Range 15 West		
Subject: McGaffey gravel pit.		

Attachment 1

CENTER for BIOLOGICAL DIVERSITY Because life is good.

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More press releases

For Immediate Release, June 6, 2016

Contact: Michael Robinson, (575) 313-7017, michaelr@biologicaldiversity.org

Endangered Fish, Zuni Bluehead Sucker, Gains 35 Miles of Protected Critical Habitat in New Mexico

SILVER CITY, *N.M.*— In response to a petition from the Center for Biological Diversity, the U.S. Fish and Wildlife Service today protected nearly 35 miles of critical habitat for the Zuni bluehead sucker, an 8-inch fish with a torpedo-shaped body, in the headwaters of the Zuni River in northwestern New Mexico. The designation ensures that federally permitted actions such as logging, mining and livestock-grazing, don't degrade streams where this fish lives. The protected habitat is in McKinley and Cibola counties. One-third of the designation is on the Cibola National Forest, and two-thirds are on state and private lands.

"Through its very existence, the Zuni bluehead sucker distinguishes these unassuming streams from innumerable other waterways in the Southwest," said Michael Robinson of the Center. "Now, thanks to the Endangered Species Act, this beautiful fish has a fighting chance to continue to swim in its little corner of New Mexico even as our planet gets more crowded and hot."

Photo courtesy USFWS. Photos are available for media use.

The Zuni bluehead sucker was protected under the Endangered Species Act in 2014, 10 years after the Center filed a scientific petition to protect the species. The fish was first identified as needing protection in 1985. Its protection two years ago, and today's critical habitat designation, came about as a result of an agreement between the Center and the Fish and Wildlife Service to evaluate, and make decisions on, whether to protect a total of 757 species that had long been identified as needing protection. Due to the agreement, thus far 144 species have been protected, and an additional 34 have been proposed for protection.

Background

Over the past century, the Zuni bluehead sucker lost habitat to water withdrawals, logging, livestock grazing, development, and more recently drought from global climate change. It survives in about two-thirds of the areas designated as critical habitat and is expected to be able to reoccupy about a third of that habitat from which it has been extirpated, in Cebolla Creek. The sucker also lives in additional stream reaches on the Navajo and Zuni Indian reservations, where tribal governments are working with the Fish and Wildlife Service to conserve its habitat.

Zuni bluehead suckers feed on algae and aquatic invertebrates, require unpolluted, cool and clear water, and are unable to reproduce in places where silt covers and suffocates their eggs.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1 million members and online activists dedicated to the protection of endangered species and wild places.

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